



Workgroup A: Magistrate Bail Decision and Use of Static Pretrial Risk Assessment

Status Update to Stakeholder Group

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Workgroup A Summary

- Scope
 - Provide information to assist with bail determinations at the magistrate level
 - Implement or develop a static risk assessment instrument to be used in assisting with bail determinations at the magistrate level

Workgroup A Summary

- Meetings
 - March 26, 2018
 - May 15, 2018

Workgroup A Summary

- Key Topics and Recommendations
 - Identification of existing static pretrial risk assessments
 - Utility of adding a static pretrial risk assessment to the initial bail hearing conducted by the magistrate

Existing Research-Based Static Pretrial Risk Assessments

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- Literature Review Findings
 - Alaska Pretrial Risk Assessment Tool
 - DEL-PAT: Delaware's Pretrial Assessment Tool
 - Public Safety Assessment (Laura and John Arnold Foundation)
 - Public Safety Checklist (Oregon)

Utility of Static Pretrial Risk Assessments

Utility of Static Risk Assessments

- Key Topics
 - Length of time to complete a static pretrial risk assessment ranges from 5 to 40 minutes depending on the complexity of the defendant's prior criminal history and on average takes between 10 to 15 minutes to complete
 - It is estimated that magistrates conduct approximately 265,000 bail hearings and issue 1.5 million processes each year
 - Magistrate bail hearings take approximately 10 minutes per hearing

Utility of Static Risk Assessments

- Key Topics
 - Approximately 85% of magistrates that responded to the Virginia State Crime Commission's Survey stated they use the Checklist for Bail Determination (DC-327), which is valued by Judges when available
 - Risk assessment should not be followed blindly and should be used in addition to all information available to a judicial officer at the time of the bail hearing

Utility of Static Risk Assessments

- Proposed Changes
 - Based on the additional time to complete a static pretrial risk assessment, Workgroup A members had concerns that adding to the time of each bail decision could cause harm and system delay and that more data is necessary to determine the strengths and weaknesses of the current system
 - Encourage use of the Checklist for Bail Determination form (DC-327) for all bail hearings conducted by a magistrate and sharing that information with Courts and pretrial services

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